

Committee on Education and the Workforce
Bill Goodling, Chairman

H.R. 4141, Education OPTIONS:
Opportunities to Protect and Invest in Our Nation's Students
(Updated 4/27/00, 4:00 p.m.)

SUMMARY

The Education OPTIONS Act authorizes these remaining programs of the Elementary and Secondary Education Act (ESEA): Technology for Education, Safe and Drug-Free Schools, Innovative Education Program Strategies, Programs of National Significance, and General Provisions. It also provides states and local school districts the opportunity for more flexibility. The committee reported H.R. 4141 on April 13, 2000 by a vote of 25 to 21.

Title I -- State and Local Transferability Act

The purpose of this title is to provide states and local school districts with the flexibility to shift federal dollars to other federal education programs that more effectively address their needs and priorities.

(1) State transfer authority -- States are permitted to transfer up to 100 percent of state activities funds between formula grant programs (i.e. formula grant to the state). State activity funds do not include funds that are to be allocated to local educational agencies, as required by each statute. These formula grant programs are:

- Title II (Teacher Empowerment Act)
- Title III (technology)
- Title IV, Part A (Safe and Drug-Free state grants)
- Title VI (Innovative Education Program Strategies)
- Title VII Part C (Emergency Immigrant Education)
- Comprehensive School Reform

(2) Local educational agency transfer authority -- Under current law, a local educational agency may transfer up to five percent of unneeded program funds to another federal education program, provided the state gives approval to such transfer. Under the bill, local educational agencies would be permitted to transfer up to 30 percent of funds without the approval of the state. An amendment offered by Mr. Hoekstra (R-MI) increases this amount to 35 percent. Any amounts above that percentage would require the approval of the state. Applicable programs are:

- Title II (Teacher Empowerment Act -- includes Eisenhower and Class Size)
- Title III (Technology)
- Title IV, Part A (Safe and Drug-Free state grants)
- Title VI (Innovative Education Program Strategies)
- Emergency Immigrant Education

(3) Supplemental funds for Title I -- State and local school districts may transfer funds from the above programs into any part of Title I, but no funds can be transferred out of Title I into another program.

- Title I, Part A (Education of the Disadvantaged)
- Title I, Part B (Even Start) -- only applicable at the state level
- Title I, Part C (Migrants) -- only applicable at the state level
- Title I, Part D (Neglected and delinquent)

Title II -- Supporting Drug and Violence Prevention and Education for Students and Communities

Currently, the Safe and Drug-Free Schools program provides grants to states and to national programs to support substance abuse education and violence prevention activities. The 21st Century Community Learning Centers provides funds to LEAs to increase students' and communities' access to school building services. The Gun Free Schools Act hinges a state's receipt of federal ESEA funds on whether the state has a law requiring LEAs to expel for a year a student who brings a gun to school. State law must allow the chief administering officer of each LEA to modify the one-year expulsion on a case-by-case basis.

(1) Combine Programs -- Title II combines the Safe and Drug-Free Schools program and 21st Century Community Learning Centers Act, and reauthorizes the Gun Free Schools Act.

(2) Formula -- The Safe and Drug-Free law provides for a federally established formula to the states based 50 percent on school age population and 50 percent on Title I. The state must distribute the funds in the following way: 20 percent to governors; 80 percent to SEA, with 91 percent of the SEA funds sent to LEAs, of which 70 percent goes to LEAs based on school age population and 30 percent goes to those LEAs with the "greatest need." The proposal retains the current federal to state formula and the state to local formula split of 70 percent based on school age population and 30 percent based on need, with the state sending a total of 96 percent of the funds it receives down to the LEAs. An amendment offered by Mr. Castle (R-DE) during committee mark up provides that of the 30 percent need-based funds, 30 percent of the 30 percent shall be sent to LEAs to support alternative education programs. A separate amendment offered by Mrs. Roukema (R-NJ) requires that in determining which LEAs will receive funds under the 30 percent need distribution, special consideration shall be given to those that incorporate school based mental health services programs.

(3) DARE -- Currently, the Safe and Drug-Free Schools law requires that governors spend no less than 10 percent of their funds on the Drug Abuse and Resistance Education program (DARE). The proposal would provide a 10 percent floor and include a 20 percent cap on spending. It would eliminate specifically naming DARE, but would retain the description of a DARE-type activity as eligible for funding. With the remaining funds (90-80 percent, less up to five percent for administration), governors must fund competitive grants to LEAs, community-based organizations, and private child care providers for drug and violence prevention and after school care.

(4) Programs and Activities Funded Under the Act -- Current law under both acts is quite flexible in how funds can be spent. In the Safe and Drug-Free Schools program, locals can decide

whether to fund drug abuse prevention activities or violence prevention activities. Current law, however, is not tightly focused on drug and violence prevention. Activities such as “comprehensive health services” and “service-learning” are also allowable uses of funds. In the 21st Century Community Learning Centers program, LEAs can fund a variety of activities in the school building that serve the community, including after school care. The Education OPTIONS Act would combine the Safe and Drug-Free Schools and 21st Century uses of funds and eliminate the questionable activities.

(5) Uses of funds -- The Education OPTIONS Act would allow the following uses of funds:

- K-12 comprehensive drug and violence prevention programs.
- Training for school personnel and parents in drug and violence prevention.
- Community involvement activities for drug and violence prevention.
- Acquisition of metal detectors and security personnel.
- School security assessments and training.
- Creation and maintenance of safe zones of passage to and from school.
- Counseling, mentoring, and referral services.
- Services and activities to reduce suspensions and expulsions.
- Before and after school programs, including:
 - Entrepreneurial education;
 - Remedial education;
 - Extended learning programs;
 - Peer resistance education;
 - Educational children’s day care;
 - Youth science education; and
 - Arts and Music Education
- Character education.
- Drug testing and locker searches.
- Establishment of school uniform policies.
- Emergency intervention services.
- School violence hotlines.
- Systems for transferring suspension and expulsion records.
- Personnel background checks.
- School-based mental health services.
- School choice for students in unsafe public schools.
- Drug and violence prevention program coordinators.
- Mentoring and tutoring services.
- Program and activity evaluation.
- Alternative education programs.
- Activities to increase student academic achievement.

(6) Parental Consent – An amendment offered by Reps. Schaffer (R-CO), Isakson (R-GA), and Kind (D-WI) that would provide for parental consent was adopted during mark up. The amendment would require an LEA to withdraw a student from a program or activity funded under Title II if the parents of the student provide written notification to the LEA. The LEA

shall make reasonable efforts to inform the parents of the content of programs funded under Title II, other than classroom instruction.

(7) Effective Programs and Activities -- Current law in both acts does little to promote quality programming. The Education OPTIONS Act includes “principles of effectiveness,” requiring that any program or activity funded under the act meet the following requirements:

- A. Be based upon an assessment of objective data about the local drug and violence problem and current drug and violence prevention activities, including activities to increase student academic achievement;
- B. Be based upon performance measures established by the LEA;
- C. Be based upon “scientifically based research” that provides evidence that the program or activity will prevent or reduce drug abuse and violence (there is a waiver for innovative programs with a likelihood of success); and
- D. Be periodically evaluated with the results used to improve the program or activity.

(8) Hate Crimes -- Safe and Drug-Free Schools currently allows funds to be used for education regarding “intolerance and violence in history” and to “reduce violence associated with prejudice and intolerance.” Such activities can be funded at the local, state and national level. In addition, current law contains a separate program for hate crimes prevention. The Department developed a hate crime prevention curriculum through its general authority that has caused concern. In response, the proposal would eliminate all references to “hate crimes” and “violence associated with prejudice and intolerance.” It would include religious non-discrimination language similar to that developed during consideration of H.R. 1501, the Juvenile Justice bill. The language in the proposal, as changed by an amendment offered by Mr. Souder (R-IN), reads, “No funds under this part may be used for activities or programs that discriminate against or denigrate the religious or moral beliefs of students who participate in such activities or programs or of the parents or legal guardians of such students.”

(9) Charitable Choice – The proposal contains provisions designed to ensure that all levels of government give consideration to religious organizations, on the same basis as other nongovernmental organizations, in carrying out drug and violence prevention activities with funds provided under the governors’ program authority, and that such consideration be consistent with the Establishment Clause of the Constitution. These provisions are commonly called “charitable choice.”

The proposal contains two amendments offered by Mr. Scott (D-VA) during the markup. The first would prohibit an eligible entity from subjecting a participant in a Title II prevention program and during the conduct of such program to sectarian worship or instruction or proselytization. The Title II provision already prohibits Title II funds from being used for worship, instruction or proselytization. The amendment goes one step further to include a prohibition in the program regardless of the funding source.

The second amendment states that receipt of financial assistance under Title II constitutes receipt of federal financial assistance. Regardless of whether the entity is a school district or a nonprofit organization, if it receives federal money under Title II, it is considered federal financial assistance.

The charitable choice language is substantially similar to language that is already a part of current law in the Community Services Block Grant (P. L. 105-285), the welfare reform law (P.L.104-193), the House-passed version of the Fathers Count Act of 1999 (H.R. 3073), the House-passed version of the Juvenile Justice legislation (H.R. 1501) and H. R 3222, the Literacy Involves Families Together Act reported by the committee on February 18, 2000.

(10) Gun Free Schools Act -- Current law bases a state's receipt of federal ESEA funds on whether the state has a law requiring LEAs to expel for a year a student who brings a gun to school. The Education OPTIONS Act would retain the Gun Free Schools Act with minor changes. It would eliminate the section that requires the secretary to disseminate policy guiding the implementation of the act and its connection to IDEA. It would incorporate the act into the Safe and Drug-Free Schools Act. Additionally, it would codify the current practice of exempting home schools from the act, by stating, "The term "school" does not include a home school, regardless of whether a home school is treated as a private school under state law."

(11) Federal Student Discipline Requirements -- The committee accepted two amendments during mark up that allows school personnel greater discretion in disciplining students with disabilities. The first amendment offered by Mr. Norwood (R-GA) would allow school personnel to discipline, as they would a non-disabled student under regular school policies, a disabled student who brings a weapon to school. The second amendment offered by Mr. Talent (R-MO) would allow school personnel the same discretion for students with disabilities who have illegal drugs at school or who commit an aggravated assault while at school. Both amendments allow school personnel to cease providing educational services if they choose to do so and if state law does not require that educational services continue.

(12) Gun Amendments - The committee accepted three gun amendments. The first amendment would allow local educational agencies that receive Safe and Drug-Free Schools funds and have a high rate of expulsions of students for possession of a firearm at school to use those funds to study the effectiveness of promoting the benefits of child safety locks for firearms. The second amendment would require the National Center on Education Statistics to collect data on drug use by youth and on firearm related injuries and fatalities, data on the relationship between the victims and perpetrators, the demographic characteristics of victims and perpetrators, and the type and characteristic of the firearm used in the incident. The third amendment would allow local educational agencies that receive Safe and Drug-Free Schools funds and have a high rate of expulsions of students for possession of a firearm at school to develop a plan with local law enforcement agencies to protect students and school employees against gun violence, which may include the promotion of the benefits of child safety locks for firearms.

(13) Authorization -- The state level programs would be authorized at \$1.033 billion and the national activities would be authorized at \$20 million. This represents what Safe and Drug-Free Schools and 21st Century Learning Centers currently receive for FY 2000.

(14) Continuation of Current Grants -- Under the Education OPTIONS Act, the secretary would have the authority to continue funding multi-year grants awarded prior to FY 2001.

(15) Cigarette Vending Machines -- During committee consideration, an amendment offered by Mr. Andrews (D-NJ) was adopted. The amendment would require any SEA and LEA that receives funds under Title II to have a policy that prohibits cigarette vending machines and the illegal possession or use of drugs or alcohol on school grounds or at any school-sponsored event.

Title III -- Tech for Success

Currently, Title III contains several programs regarding education technology. These are: Part A -- National Challenge Grants for Technology in Education; State and Local Programs for School Technology Resources; National Programs for Technology in Education; Regional Technical Support and Professional Development; Part B -- Star Schools; Part C -- Ready-to-Learn Television; and Part D -- Telecommunications Demonstration Project for Mathematics.

(1) Consolidation of Programs -- The Education OPTIONS Act would consolidate eight of these current programs under Title III, including the Challenge Fund, Challenge Grants, Star Schools, Software Development Program, Preparing Tomorrow's Teachers, Community Technology Centers, the Secretary Leadership Fund, and the Middle Schools Teacher Training program. The consolidated funds, totaling \$731 million, would be distributed as follows: five percent for the secretary for evaluations, technical assistance, and programs of national significance and 95 percent for states and localities. States would hold on to five percent of their share for state activities such as technical assistance and funding innovative programs. Ninety-five percent of the state funds would be directed to local educational agencies.

(2) Formula -- Of the total funds going locally, 80 percent would be distributed through a state developed formula targeted toward high need LEAs, while the remaining 20 percent would be competitively distributed by the state. Overall, this represents a significant change from current law under which the secretary, through discretionary grants, distributes 42 percent of all technology funds to local school districts and partnerships including schools, higher education institutions, and other education-related entities. Under current law, states distribute the remaining 48 percent of funds (\$425 million) to local educational agencies and partnerships through a competitive process.

(3) Continuation of Current Grants -- Under the Education OPTIONS Act, the secretary and states would have the authority to continue funding multi-year grants awarded prior to FY 2001.

(4) Uses of Funds -- The use of funds under this title are generally targeted for:

- Increasing access to technology, especially for high-need schools;
- Improving and expanding teacher professional development in technology (which must comprise 20 percent of local funds); and

- Promoting innovative state and local initiatives using technology to increase academic achievement.

(5) Separate Programs Continued -- Ready-to-Learn Television and the Telecommunications Demonstration Project for Mathematics would remain separate programs. The Telecommunications Demonstration Project for Mathematics would be renamed the Telecommunications Program. Under the Telecommunications Program, the secretary is allowed, but not required, to award grants for the purpose of carrying out a national telecommunications-based program to improve the teaching of core academic subjects and/or the purpose of developing, producing and distributing digital, educational and instructional video programming which is designed for use by elementary and secondary school students.

(6) Regional Technical Support and Professional Development -- The Regional Technical Support and Professional Development program will be addressed as part of the broader reauthorization of the Office of Educational Research and Improvement.

(7) Internet Filtering -- No Title III, subpart 2 (technology grants) funds made available to a local educational agency or school may be used to purchase computers used to access the Internet or pay for direct costs associated with accessing the Internet unless such agency or school has in place, on computers that are accessible by minors, technology that filters or blocks: (a) material that is obscene; (b) child pornography; and (c) material that is harmful to minors, during such use by minors. "Material harmful to minors" is the same definition as in the Child Online Protection Act. Also, the local educational agency plan must include a description of the Internet filtering or blocking technology and enforcement policies.

(8) Authorization -- Authorizes \$731 million for the Tech for Success grant, which is the current FY 2000 appropriation for all of these programs.

Title IV -- Innovative Education Program Strategies

Innovative Education Program Strategies (Title VI under current law) is the only K-12 education block grant program contained within ESEA. It is the only formula program that allows recipients to use funds to benefit any and all student populations, in any and all schools (most federal programs serve an absolute purpose in targeting limited resources toward specific student populations and areas where they are needed most). The Education OPTIONS Act makes the following changes to this program:

(1) Goals 2000 -- Deletes all references to the National Education Goals and the Goals 2000: Educate America Act.

(2) "Uses of Funds" at the local level -- Includes language to add more allowable "uses of funds" to the current list so LEAs can broaden the scope of the program. These new uses include:

- Professional development activities and the hiring of teachers, including activities consistent with the Teacher Empowerment Act, that give teachers, principals, and

administrators the knowledge and skills to provide students with the opportunity to meet challenging state or local content standards and student performance standards.

- Education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.
- Community service programs that train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage.
- Curriculum-based youth entrepreneurship education programs with demonstrated records of empowering disadvantaged youth with applied math, entrepreneurial, and other analytical skills.
- Activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills including the basic principles involved with earning, spending, saving, and investing.
- Public school choice activities.
- Expanding and improving school-based mental health services, including early identification, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school-based mental health services personnel.

(3) State retained funds -- Under current law, up to 15 percent of Title VI funds are retained -- and controlled -- at the state level. The Education OPTIONS Act includes language to send 100 percent of any new funding for this program over the FY 2000 appropriation to the local level. This change to current law will result in more funds being sent to the school district and classroom levels. In addition, the Education OPTIONS Act limits state administrative costs to four percent.

(4) Authorization -- Authorizes \$365.75 million for FY 2000 and such sums as may be necessary for FY 2001 through FY 2005.

Title V -- Programs of National Significance

Fund for the Improvement of Education (FIE)

Currently, this program provides funds to conduct nationally significant activities to improve the quality of education and assists all students to meet challenging state content standards. In general, this is a fund for the Secretary of Education to dispense funds for which the majority are earmarked for specific purposes. Funding for FIE has gone from \$32.5 million in FY 1994 to \$243.8 million in FY 2000. The Education OPTIONS Act makes the following changes to FIE:

(1) National Testing -- Explicitly prohibits the development and implementation of a national test without specific authorization (consistent with the national testing prohibition found in appropriations language).

(2) Prohibition on Federal Curriculum -- Explicitly prohibits federal endorsement, approval, or sanction of any curriculum designed for use in elementary or secondary schools.

(3) Goals 2000 -- Deletes all references to the National Education Goals and the Goals 2000: Educate America Act.

(4) Applications -- Consolidates and streamlines the applications process for funds appropriated under this part. Specifically, an applicant for an award under this part shall:

- Establish clear goals and objectives for its project;
- Describe the activities it will carry out in order to meet the goals and objectives;
- Evaluate the effectiveness of its project's activities in achieving the goals and objectives stated in its application; and
- Report to the secretary such information as may be required, including evidence of its progress toward meeting the goals and objectives of its project, in order to determine the effectiveness of its project. In addition, the secretary shall provide for dissemination of evaluation results. Such information shall be made publicly available upon request, with public notice of such availability provided.

(5) Achievement Gap Reduction Rewards -- Authorizes performance rewards for states that (1) make significant progress in eliminating achievement gaps by increasing the proportions of two or more groups of students under Sec. 1111(a)(3)(I) of the Elementary and Secondary Education Act of 1965 that meet state proficiency standards, and (2) have agreed to meet specific and numerical performance goals during the term of a performance agreement of at least five years in length.

(6) Elementary and Secondary School Counseling -- Streamlines the counseling program requirements to allow LEAs greater flexibility in creating and implementing programs and improves the ability of LEAs to implement demonstration projects.

(7) Character Education -- Streamlines the character education program to allow LEAs greater flexibility in creating and implementing programs. Specifically, the Education OPTIONS Act:

- Removes the limit of 10 character education grants per year and the maximum award of \$1 million to states, and instead authorizes the secretary to make up to five-year grants to states, LEAs, or a consortia of educational agencies for the design and implementation of character education programs.

- Defines the elements of character that shall be incorporated into character education programs including: Honesty, Citizenship, Courage, Justice, Respect, Personal Responsibility, Trustworthiness, and any other elements deemed appropriate by each state, LEA, or consortia of such educational agencies receiving funds under this part.

(8) Schools within Schools -- Streamlines the Smaller Learning Communities program to encourage the development and implementation of activities in high schools where students receive more individualized attention and support. Funds may be used:

- To create smaller learning communities in high schools where students receive individual attention and support -- with a goal of not more than 600 students in each learning community;
- To develop and implement scientifically-based research strategies to create smaller learning communities within large high schools including learning clusters, 'houses', magnet schools or other approaches to creating schools within schools; block scheduling; personal adult advocates; teacher-advisory systems and other mentoring strategies; reduced teaching loads; and other innovations designed to create a more personalized high school experience for students and improve student achievement; and
- To develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities for high schools.

(9) Mathematics and Science Professional Development Study -- Authorizes an independent study, in consultation with appropriate agencies, which will provide a multi-level coordinated implementation strategy, based on scientifically based research, for effective professional development activities for mathematics and science teachers.

(10) Repealed Programs -- Repeals the Promoting Scholar Athlete Competitions; National Student and Parent Mock Election; and the Model Projects programs from FIE. (This is consistent with the administration's ESEA proposal)

(11) Authorization -- Caps the authorization for the Fund for the Improvement of Education at \$50 million annually (final FY 2000 appropriation was \$243.864 million -- the Conference Report on H.R. 3194, the Consolidated Appropriations Act for FY 2000 earmarked over \$200 million in unauthorized projects in the Fund for the Improvement of Education).

Public Charter Schools

Charter schools are public schools established under state law that are given varying degrees of autonomy from state and local rules and regulations. In exchange for their autonomy, charter schools are held accountable for meeting the terms of their charters. Under the Public Charter Schools program, federal charter school dollars are provided only to those states that have a state charter school statute. Since the 105th Congress passed H.R. 2616, "The Charter

School Expansion Act of 1998,” which authorizes the public charter school program through FY 2004, only two modifications were made in the bill.

(1) Non-discriminatory manner -- Clarifies that the definition of a charter school is, among other things, a public school that admits students on the basis of a lottery or in another non-discriminatory manner consistent with state law, if more students apply for admission than can be accommodated.

(2) Authorization -- Authorizes \$145 million for FY 2000 and such sums as may be necessary for FY 2001 through FY 2005.

Arts in Education

Currently, this program supports student competency in the arts by encouraging the integration of arts education into elementary and secondary school curricula. The Education OPTIONS Act makes the following changes:

(1) Goals 2000 -- Eliminates references to “National Education Goals” and “national efforts”, and instead focuses the program on improving school-based programs using state standards.

(2) Participation by Arts Educators and Organizations -- Shifts the focus of collaborative efforts away from specified federal agencies and non-profit organizations, and opens these efforts to participation by arts educators and organizations representing the arts including state and local arts agencies.

(3) Participation by Grass Roots Entities -- Eliminates a restrictive coordination provision that limited participation by grass roots entities.

(4) Consultation -- Requires the secretary to consult with arts educators including professional arts education associations and organizations representing the arts when awarding grants.

(5) Trigger Elimination -- Eliminates the requirement that all funding must go to the Kennedy Center and Very Special Arts when appropriations are below \$9 million.

(6) Supplement, not Supplant -- Adds a requirement that federal funds provided under this Title must supplement and not supplant non-federal funds for arts education.

(7) Repeals -- Eliminates the Cultural Partnerships for At-Risk Children and Youth program. This program has never been funded.

(8) Authorization -- Authorizes the appropriation of \$11.5 million for FY 2000 (the same level as the FY 2000 appropriation), and such sums as necessary for the five succeeding fiscal years.

Civic Education

Currently, this program supports the Center for Civic Education and its education program that encourages instruction on the principles of our Constitutional democracy; the history of the Constitution and the Bill of Rights; congressional hearings simulations; and annual competitions of simulated congressional hearings for secondary school students. The Education OPTIONS Act includes the following changes:

(1) Civic Education -- Authorizes the Center for Civic Education to conduct civic education activities that include:

- Courses of instruction on the basic principles of our nation's constitutional democracy and the history of the Constitution of the United States and the Bill of Rights;
- Simulated congressional hearings following the course of study;
- Advanced training of teachers about the Constitution of the United States and the political system the United States created; and
- Civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

(2) Authorization -- Authorizes \$9.85 million for the "We the People Program" (ESEA Title X, Part F under current law) for FY 2000 and such sums as may be necessary for 2001 through 2005.

Ellender Fellowship Program (Close Up Foundation)

An amendment offered by Mr. Roemer (D-IN) and Mr. Barrett (R-NE) and adopted by the committee restored the Allen J. Ellender Fellowship Program (Close Up). This program, administered by the private, non-profit Close Up Foundation, provides financial aid to enable low-income students, their teachers, older Americans, recent immigrants, and children of migrant parents to come to Washington, DC to study the operations of the three branches of government. Activities include attending seminars on government and current events, and meeting with government leaders. The amendment authorizes \$4.4 million for FY 2001 and such sums as may be necessary for the next four succeeding fiscal years.

Title VI -- General Provisions

Title VI (Title XIV under current law) contains general provisions that affect all programs under the ESEA. The general provisions are divided into several parts: Definitions; Flexibility in the Use of Administrative and Other Funds; Coordination of Programs/Consolidated State and Local Plans and Applications; Waivers; Uniform Provisions; and Sense of Congress.

Definitions

(1) Definitions -- Adds definitions for “family literacy services” and “scientifically based research.”

Flexibility in the Use of Administrative and Other Funds

(1) Increase Flexibility -- Expands current law to give states and school districts the freedom to combine administrative funds from all ESEA programs and such other programs as the secretary may designate.

(2) Attorneys Fees -- Permits local educational agencies and educational service agencies, if they wish, to use up to 20 percent of administrative funds for payment of attorneys fees and related legal services in the defense of any legal action where the claim is that a school or its agent violated the constitutional prohibition against the establishment of religion by permitting, facilitating, or accommodating a student’s religious expression or by permitting, facilitating or accommodating memorials on campus.

Coordination of Programs\Consolidated State and Local Plans and Applications

(1) Expands Authority for Single Consolidated Plans for States -- Expands the authority for states to submit a single consolidated plan or application to include all ESEA programs and such other programs as the secretary may designate. Under current law, this was limited to only a few programs.

(2) Expands Authority for Single Consolidated Plans for School Districts -- Expands the authority of school districts to submit a single consolidated plan or application to include all ESEA programs.

(3) Removes Goals 2000 -- Removes all Goals 2000 references.

(4) Streamlines -- Streamlines reporting requirements by replacing individual annual reports with a single consolidated report.

Waivers

(1) Continues Flexibility -- Continues authority of the secretary to waive burdensome regulations and makes several changes consistent with the Education Flexibility Partnership Act.

Uniform Provisions

(1) Private Schools -- Continues to allow students and staff at private schools to receive services through ESEA programs.

(2) Consultation with Private Schools -- Ensures that educational services must be provided by the school district to private schools in a timely manner and that consultations with private

school officials must occur during the design and development stages of the education programs, as well as throughout the implementation phase.

(3) Prohibition on Federal Curriculum -- Prohibits the federal government from controlling, mandating, or directing curriculum. Also prohibits funds from being used by the Department of Education to endorse, approve or sanction any curriculum designed for use in elementary or secondary schools.

(4) Prohibitions on Uses of ESEA Funds -- Prohibits ESEA funds from: (1) being used to distribute obscene materials on school grounds; (2) funding courses or the development or distribution of materials that are designed to promote or encourage sexual activities; (3) being used to operate a program of contraceptive distribution at schools; (4) funding sex education in schools unless such program is age appropriate and emphasizes abstinence.

(5) School Prayer -- Ensures that voluntary prayer in schools is protected.

(6) National Database -- Through an amendment offered by Mr. Hilleary (R-TN), a rule of construction is included which states that nothing in the act is to be construed as allowing the development of a national database of personally identifiable information on individuals involved in studies or data collection under the act.

(7) Home Schools -- Continues rule of construction that nothing shall be construed to permit, allow, encourage, or authorize any federal control over home schools.

(8) Memorials and Memorial Services, and Rule of Construction -- Includes findings stating that Congress does not find religious memorial services on campus or the construction of religious memorials to be objectionable. Rule of construction is included relating to such services and memorials.

Sense of Congress on Reducing the Reading Deficit

Includes a Sense of Congress that federal education funds that are used to improve reading skills should be grounded in scientifically based research.

Sense of Congress on Science Assessments

Includes a Sense of Congress that state and local assessments in science should measure a student's ability to -- understand science facts, results and concepts; design and conduct experiments; and communicate scientific information.

Student Privacy and Commercialism in Schools -- During the committee markup, the committee adopted an amendment offered by Mr. Miller (D-CA) that states that no state educational agency or school district that receives ESEA funds may enter into third party agreements that allow persons or entities to monitor, gather or obtain information used to advertise, sell or develop a product from any student under 18 years of age unless such agreements require the written permission of the parent of such student prior to monitoring, gathering or obtaining such

information. Exceptions to the requirement are: (1) recruitment activities by higher education institutions; (2) development and administration of tests and assessments; (3) development and administration of curriculum and instructional materials; and (4) contact information collected from a student that is used only to respond directly to a specific request from the student for a transaction, if the information is not used for any purpose other than as required to effect the transaction and is not used to re-contact the student in order to advertise, sell or develop any other product or service to the student.

Titles Repealed

The Education OPTIONS Act repeals the following titles: Title II, Part A (National Education Goals Panel) of the Goals 2000: Educate America Act; Title II, Part C (Goals Panel Authorization) of the Goals 2000: Educate America Act; Title VI (International Education) of the Goals 2000: Educate America Act; and Title XI (Coordinated Services) of the ESEA.

During committee consideration an amendment by Mr. Schaffer (R-CO) was adopted which repealed the title, table of contents, and definitions of the Goals 2000: Educate America Act, as well as the National Education Goals found in Title I of Goals 2000: Educate America Act. The amendment further added a Sense of Congress provision stating: (1) the Constitution gives states the responsibility for the general supervision of education; (2) states and school districts are best suited to increasing academic achievement; (3) states and school districts need maximum liberty in instituting education reform; (4) the best education decisions are made by those who know the students best; and (5) states should be commended for their educational efforts and results.

IDEA Amendment

During committee consideration, an amendment offered by Mr. Tierney (D-MA) was adopted. The amendment requires a local educational agency that exercises the authority under IDEA to treat as local funds up to 20 percent of the amount it received for part B of IDEA that exceeds the amount it received in the previous fiscal year, to spend those additional local funds to provide funding for programs under ESEA, including programs that address school safety, teacher quality and professional development, before and after school learning opportunities, educational reform and literacy, or related education programs authorized under federal, state or local law.